at all, though in the House of Lords. If they had read Wigmore or the Supreme Court decisions in *Hillmon* v. *Mutual Life Insurance Co.*,[17] and *Throckmorton* v. *Holt*,[18] they would have been saved from such a blunder. They do not discuss the admissibility of declarations of intention as evidence of a subsequent act. They do not even cite a decision of Lord Alverstone in 1912,[1] excluding such declarations in an abortion case. An English text-book discussing the *Hillmon Case* might lead to a different result in another case of declarations of intention, for it is plain that the American cases and the principle underlying them were wholly unknown to court and counsel in the abortion case. Of course, the present editors of Taylor cannot be blamed for these past decisions, but they have done nothing to furnish the English Bar and Bench with better theoretical equipment for the future.

Surely, the nation which has produced the great treatises of Maitland, Dicey, Pollock, and many others, might spend the immense labor which has gone into these two volumes for a better purpose, and give us a survey of the English law of Evidence in the light of twentieth-century thought, instead of warming over for the eleventh time the words of an American, an energetic pioneer fourscore years ago but long superseded in his own country.

Z. C., JR.

THE EQUALITY OF STATES IN INTERNATIONAL LAW. By Edwin DeWitt Dickinson, Ph.D., J.D. Being Volume III of the Harvard Studies in Jurisprudence. Cambridge: Harvard University Press. 1920. pp. xiii, 424.

"Equality is one of the natural and primitive rights of nations. . . . The equality of sovereign states is a generally recognized principle of public law." So says Calvo;[1] such are the common statements which pass current among the writers of international law, and which with little change, to use the words of Hobbes, have passed "like gaping, from mouth to mouth." As to what is the fundamental meaning of this threadbare assertion, what are the practical consequences in the domain of international law which necessarily follow, what its origin and its history, comparatively few have stopped to inquire.

Mr. Dickinson, in his studious book recently published, has made a careful inquiry as to the sources and origin of this principle of the equality of states, and has traced the historical development of the idea down to our own times. Writing after painstaking and scholarly investigations, Mr. Dickinson shows that the idea of state equality did not originate, as many suppose, with that great monument of international law, *De Jure Belli ac Pacis*, nor was the idea even stressed by Grotius in that epoch-making book. Its origin is to be traced, rather, to the Law of Nature, a conception which goes directly back to the days of Greece and Rome. No principle was more familiar to Roman lawyers or to Greek philosophers than that in the famous phrase of Ulpian, "quod ad jus naturale attinet, omnes homines aequales sunt."[2] What could be more natural than for the seventeenth-century writers, immersed in the teachings of ancient classics and in the principles of natural law, to apply to states, in the system of international law which they were evolving, this universally accepted principle of equality, just as the Roman lawyers had applied it to the persons of municipal law?

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[17] 145 U. S. 285 (1892).
[18] 180 U. S. 552 (1901).
[19] Rex *v.* Thomson, [1912] 3 K. B. 19 (C. A.).

[1] Dictionnaire, I, 286.
[2] Digest, L, 17, 32.

Thus the principle has come down to us almost as part of the religion of an orthodox international lawyer; but as is true of many dogmas, the question of what is its meaning and significance remains largely unanswered. As Mr. Dickinson explains, the dogma is large enough to cover two very distinct ideas, — equality before the law, and political equality. Most will be inclined freely to admit the truth of the dogma if given the former meaning; but the latter interpretation at once spells difficulties. The bald truth is that states are not, and never can be, equal so far as political power and influence in the shaping of international affairs are concerned; and this discrepancy between fact and theory has been responsible for a vast amount of speculation and theorizing in the effort to reconcile the theory of the equality dogma with the facts of international life.

If so excellent a study as Mr. Dickinson's is to be criticized it must be on the ground that the author fails to draw any very practical conclusions from his painstaking research, — that the book seems academic in the midst of very pressing practical issues. Perhaps Mr. Dickinson purposely sought to avoid entering upon a most contentious field. Nevertheless the question as to what practical consequences the equality dogma entails in international law is today a matter of such paramount importance that one cannot help regretting that it is not further developed in Mr. Dickinson's book. What, for instance, does it involve in regard to the unanimity requirement of voting in international congresses or commissions? Does it mean that all states must have equal voting power? In the sense of equality before the law it seems fairly clear that this principle would mean that every state participating in a conference to consider the adoption of some treaty or international arrangement would be entitled to an equal vote before it could be bound; but the situation would be very different if it were a question of voting within an international commission or executive organ whose powers are specifically delegated and carefully delimited. The insistence upon equality of voting power under the cover of this dogma has wrecked more than one international project; this was directly, if not solely, responsible for the failure of the earnest efforts made at the Hague Conference of 1907 to create an international Court of Arbitral Justice.

But perhaps one should not criticize an author for not attempting more, — particularly when he has done well what he set out to do. Perhaps Mr. Dickinson will essay a further study in this directon at a future time. The execution of the present work merits the hope that some day he may see fit to do so.

F. B. S.

LATIN-AMERICAN COMMERCIAL LAW. By T. Esquivel Obregón, with the Collaboration of Edwin M. Borchard. New York: The Banks Law Publishing Company. 1921. pp. xxiii, 972.

After an introductory statement of thirty-one pages, the author subdivides his subject with reference to the divisions in the Commercial Codes of the Latin-American states, and treats each topic comprehensively for all the states with whose law he deals. The reader is thereby enabled to see at once what differences there may be in the several codes in regard to a particular question.

This work seems to have been well done, and the difficulties of translating terms in use in one system of law so that they can be understood by lawyers trained in another system, seem to have been met as well as could be expected. The book, therefore, is a contribution of value to the study of comparative law, and should be a step forward in an attempt to make the nature of business relations between North America and South America more comprehensible. It is only fair, however, to point out some difficulties that one who is trained in the common law feels in examining the book.